

UNITED DISTRICT COURT EASTERN DISTRICT OF WASHINGTON

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

The Honorable Thomas O. Rice

Dec 14, 2022

SEAN F. McAVOY, CLERK

MILAN RICHARD HAVLIK JR.,
Plaintiff,

V.

BILL ROBERTS, TAMMI DENNEY
and RANDAL CLENE,
Defendants.

NO. 2:22-CV-00096-TOR

ADD to

AMENDED
COMPLAINT.

1. IN Accordance with Rule 15 of the Federal Rules
2. of Civil Procedure. Both 15(a) and, 15(d). Plaintiff
3. Asks the court to ammend his complaint to ADD a violation
4. of constitutional Right to use the court system.
5. which is part and Referred to "RIGHT of ACCESS to the
6. courts". which IS part of Constitutional due process of Law
7. Requirements of the First, Fifth and Fourteenth amendments
8. to the constitutional due process of Law Requirements.
9. Proconier v. Martinez 416 U.S. 396 describing
10. 'RIGHT of ACCESS' to courts as part of constitutional
11. due process of Law Requirements.
12. Murray v. Giarattano 492 U.S. 1, 11 n.6, 109 S. Ct.
13. 2765, 2771 n.6, 106 L. Ed. 2d 1, 12 n.6 (1989) Traces the right
14. of Access to courts to due process and equal protection
15. Clauses of the United States Constitution.

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16. Plaintiff contends Officer Dusty Mullins and
17. SGT. Brent Rush DENIED AS Declared IN Declaration,
18. Access to the Courts by not only REFusing to copy any
19. documents but ALSO making A OFFICIAL POLICY
20. to not help me IN any way concerning Legal matters.
21. Which IS violating my constitutional RIGHT to use the
22. Court system.
23. Supporting Sworn statement of Justin Williams NANPUYA
24. Who witnessed this event was Forwarded to Defense counsel
25. Patrick McMahon WSBA #18809 Supporting a official
26. Policy to Not help or a hands off Policy IN General concern
27. ing Legal matters.
28. Plaintiff ALSO ASSERTS that there IS NO Access
29. to A Law Library or Legal assistants. That are being made
30. Available to me, NOT EVEN one book, Not one Reference
31. And or a Procedural Federal Rules of civil procedure,
32. Nothing. NOT A Chair or book or even a assistant to Give
33. Legal Advice. A complete break down of Access to the
34. Courts.
35. This ~~comp~~ Denial IS Like Hebbe v. Pliler 627
36. F.3d 338 (9th Cir 2010) causing hardship to pending
37. Litigation of Constitutional violation case 2:22-cv-00096
38. TOR. AS Clerk of Court Sean F. McAVOY stated
39. In his correspondence dated November 17, 2022

40. Further WARNS AS A reminder to comply
41. with Local Rules. AND Federal Rules of Civil
42. Procedure. AS I have NO Access To this Book. I have
43. only complied this Far through Proceedings by Reading
44. Correspondence from the court and Sections of A Incomplete
45. Jail house Lawyer's Handbook.
46. These constant Reminders from clerk of court IS A stark
47. Reminder of the inability to have meaningful Access to the
48. Courts.
49. IN *Salahuddin v. Goord* 467 F.3d 263 (2d Cir. 2006) IT
50. Shows denial of Access to A Law Library is connected to another
51. Constitutional violation of Free Exercise of Religion.
52. (As this one). The court Ruled the Prisoner did not have to
53. meet the actual Injury Requirement. To Proceed.
54. *Lewis v. Casey* 518 (1996) Similarly As Plaintiff
55. Substained Actual Injury my ability to File OR move
56. Forward In meaningful Access proceedings. In Time
57. Frames set Forward In Federal Rules of Civil Procedure
58. are not Available.
59. Subsequently I have been denied 3 motions, Appoint
60. ment of Counsel and A Preliminary Injunction motion, which
61. I Attribute to the inability to articulate A ARGUMENT
62. within the Federal Rules of civil procedure. or having any
63. Reference material commonly used Legal procedures.

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64. Compounding this further inability to
 65. have meaningful Access to the courts. IS Okanogan
 66. County Jails Newly Declared official policy to Not
 67. help In any Legal proceedings Declared by officer
 68. Dusty mullins, concerning Legal matters.
 69. *Hebbe v. Pliler 627 F.3d 338 (9th Cir 2010) has
 70. Precedent. Held that Not having Access to the Law
 71. library Affecting his inability to file a brief within 30
 72. day period caused A Loss to his Appeal. I Also contend that
 73. inability to have Access to A Law library or Procedural books
 74. of any kind Affected the denial of Several motions IN
 75. This Litigation. And will continue to hinder meaningful
 76. Access to the courts.

77. RELIEF/INJURY Requested

78. (a) Access to Lexi Systems
 79. 1 Defendants have Access to A Secure Room that has Lexi Systems
 80. for Legal purposes on Ground Floor.
 81. (b) Punative Damages In the Amount of \$5800. OR AS the court
 82. Sees Fit. In Individual capacity and official co-pacity.
 83. (c) Defendants Make copies and give meaningful Access
 84. to Legal materials and appropriate books for Plaintiff and
 85. Future Detainees.

86.


 MILAN HAVLIK #118354

11/30/2022 149 N. 4th ST
 okanogan county Jail
 okanogan WA 98840